

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SUP-12038 - APPLICANT: MULUGETA BOUR  
- OWNER: COHEN 1969 TRUST**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.***

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL. If approved, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Beer/Wine/Cooler Off-Sale Establishment use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is an Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale Establishment in an existing convenience store at 113 North Fourth Street.

**EXECUTIVE SUMMARY**

The proposed Beer/Wine/Cooler Establishment cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses. This use will increase the number of alcohol uses in the area and constitutes an over saturation of such uses in a limited area.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |   |
|----------|---|
| 12/16/64 | The City Council approved a Reclassification of Property (Z-0100-64) to C-2 (General Commercial) zoning of this site as part of a larger request.                         |
| 08/21/02 | The City Council denied a Special Use Permit (U-0067-02) for the sale of beer and wine for off-premise consumption. The Planning Commission and staff recommended denial. |
| 04/13/06 | The Planning Commission voted to hold this item in abeyance as the applicant was unable to attend the meeting.  |
| 04/27/06 | The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #25/dr).  |

***B) Pre-Application Meeting***

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|----------|---|
| 02/13/06 | A pre-application meeting was held where details of a submittal were discussed for a Beer/Wine/Cooler Establishment Special Use Permit. |
|----------|---|

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

***D) Business License History for Property Owner***

- 11/27/00 Business licenses were issued for a (Convenience Store) and (Tobacco Dealer – Retail) at 113 N. 4<sup>th</sup> Street. The business name is 4<sup>th</sup> Street Market.
- 03/31/03 Business licenses were issued for a (Beer/Wine/Cooler Off-Sale), (Tobacco Dealer – Retail), and (Convenience Store) at 1616 S. Las Vegas Boulevard. The business licenses remain active. The business name is Oakey Discount Market.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 0.15 Acres

***B) Existing Land Use***

Subject Property: Convenience Store  
North: Pawn Shop  
South: Retail Shops  
East: Retail Shops  
West: Retail Shops

***C) Planned Land Use***

Subject Property: C (Commercial)  
North: C (Commercial)  
South: C (Commercial)  
East: C (Commercial)  
West: C (Commercial)

***D) Existing Zoning***

Subject Property: C-2 (General Commercial)  
North: C-2 (General Commercial)  
South: C-2 (General Commercial)  
East: C-2 (General Commercial)  
West: C-2 (General Commercial)

***E) General Plan Compliance***

The subject site is located in the Downtown Redevelopment Plan area and has a General Plan designation of C (Commercial). The site is zoned C-2 (General Commercial) which is in compliance with the General Plan. The requested use for a Beer/Wine/Cooler Establishment is allowed in the C-2 (General Commercial) zoning district with approval of a Special Use Permit.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Downtown Centennial Plan	<b>X</b>	
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

#### **Downtown Centennial Plan**

The subject site is located within the Casino Center District of the Downtown Centennial Plan. The proposed use is allowed within this district.

#### **Airport Overlay District**

The subject site is located within the McCarran Airport Overlay District. The proposed use will have no effect on this district.

### **INTERAGENCY ISSUES**

Pursuant to Ordinance No. 5477, the proposed project is not deemed to be a “Project of Regional Significance” as it does not fall within 500 feet of a jurisdictional line.

### **ANALYSIS**

#### ***A) Zoning Code Compliance***

##### **A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

<b>Uses</b>	<b>GFA</b>	<b>Ratio</b>	<b>Parking</b>		<b>Provided Parking</b>	
			<b>Regular</b>	<b>Handicap</b>	<b>Regular</b>	<b>Handicap</b>
Retail	1,510 SF.	1/250 GFA	7	1 of 7	0	0

The subject site is located within the Downtown Centennial Plan. Title 19.10 Parking Standards do not necessarily apply to projects located in the Downtown Centennial Plan area. The existing retail use currently provides no parking. The proposed additional use will have no impact on parking at this location.

**A2) Minimum Distance Separation Requirements**

There are no Minimum Separation Distance Requirements from a similar use in the Zoning Code that apply to the proposed use; however, there are three similar approved uses within the 500 feet.

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>
Beer/Wine/Cooler Off-Sale Establishment (Off-premise)	400 feet from protected uses	750 feet

***B) General Analysis and Discussion***

- **Zoning**

Staff finds that the sale of beer/wine/coolers for consumption off-premise in conjunction with a convenience store is an allowed use within the C-2 (General Commercial) Zoning District with the approval of a Special Use Permit.

- **Use**

The subject site is located adjacent to the Fremont Street Experience. Currently three similar uses are located within 500 feet of the subject parcel. In addition to the similar alcohol uses (off sale), six taverns are located within 500 feet. Staff finds that the addition of this use to the local area will constitute an over saturation of alcohol.

- **Conditions**

The proposed Beer/Wine/Cooler Establishment will be located in a tenant space in an approved, one-story building. The use is subject to the standards listed under in the conditions below.

No beer/wine/cooler off-sale establishment (hereinafter “establishment”) shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.

All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Beer/Wine/Cooler Establishment cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses. This use will increase the number of alcohol uses in the area and constitutes an over saturation of such uses in a limited area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the proposed addition of a Beer/Wine/Cooler Establishment. The use will not be too intense for this area of the City.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed from 4<sup>th</sup> Street, an 80 foot public right of way, which will provide adequate access to the subject site and the multiple parking structures in the area.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The public health, safety, and welfare will be compromised, as the use will increase the number of alcohol uses in the area and thereby will cause an over saturation of such uses in a limited area.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

22

**ASSEMBLY DISTRICT**      3

**SENATE DISTRICT**      9

**NOTICES MAILED**      160 by City Clerk

**APPROVALS**      0

**PROTESTS**      0